

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Charles Ray Dean,	)	C/A No. 9:10-300-JFA-BM
	)	
Plaintiff,	)	
vs.	)	ORDER
	)	
Philip Thompson, Sheriff,	)	
	)	
Defendant.	)	
_____	)	

The *pro se* plaintiff, Charles Ray Dean, brings this action pursuant to 42 U.S.C. § 1983 alleging constitutional violations by the defendant.

The Magistrate Judge assigned to this action<sup>1</sup> has prepared a Report and Recommendation wherein he suggests that this action should be dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The Magistrate Judge notes that the plaintiff has failed to notify the court of his change of address despite being advised of the consequences for the failure to do so. The Magistrate Judge's order of September 3, 2010 was mailed to the plaintiff and was returned

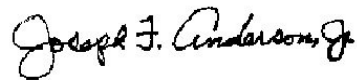
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<sup>1</sup> The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

to sender as undeliverable. The Report and Recommendation mailed to the plaintiff was also returned to sender. It appears that the plaintiff has abandoned his lawsuit and has clearly failed to notify the court of his new address.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and incorporated herein by reference. Accordingly, this action is dismissed with prejudice for failure to prosecute under Rule 41(b).

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.  
United States District Judge

October 20, 2010  
Columbia, South Carolina